IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 6TH SEPTEMBER 2007 / 5TH BHADRA 1929

Crl.MC.No. 2766 of 2007()

AGAINST THE ORDER DATED 14/08/2007 IN CMP.2976/07 IN CC.780/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

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PETITIONER: COMPLAINANT

XAVIER P.C., S/O.P.A.CYRIL,
PADINJATTAMURI, VADUTHALA,
KOCHI-23.

BY ADV. SRI.K.R.VINOD

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. THANKACHAN, ECHANGATTU HOUSE, BABY SMARAKA ROAD, ELAMAKKARA, KOCHI-26.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No.2766 of 2007

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Dated this the 6th day of September, 2007

O R D E R

After hearing for admission, finally, realising that the Court is not inclined to interfere with the impugned order, the learned counsel for the petitioner- accused makes only the request that there may be a direction to the expert to compare the admitted/ specimen handwritings of the accused with the writings in the cheque., particularly the writing with which the amount is written in words and the word 'cash' in the cheque. I am certainly satisfied that the said request is justified. I am satisfied that the this Crl.M.C can be dismissed with the observation that the petitioner can immediately move the learned Magistrate to get the expert to compare and verify and render his opinion on the above aspect. The learned Magistrate after giving notice to the accused must take steps to send the disputed cheque to the expert for comparison also.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

sj